

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RONALD MASCARENA,

Petitioner,

vs.

CPT. NIEDER; TOM FULTON;
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 20-10-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on May 5, 2020. (Doc. 12). The Magistrate recommended the Court dismiss the petition. (Doc. 12 at 2).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

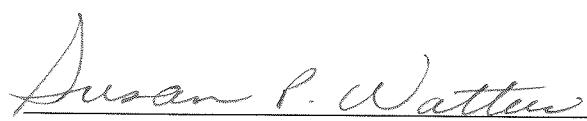
422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 12) are ADOPTED IN FULL.

IT IS FURTHER ORDERED:

1. The petition (Doc. 1) is dismissed;
2. The Clerk of Court is directed to enter, by separate document, a judgment of dismissal; and
3. A certificate of appealability is denied.

DATED this 15th day of June, 2020.


Susan P. Watters
SUSAN P. WATTERS
United States District Judge